

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NOS. 1994-538-T and 2009-277-T - ORDER NO. 2010-242(A)

MAY 13, 2010

IN RE: Docket No. 1994-538-T – Application of J.)	AMENDED ORDER
C. Smith, 522 North Jefferson Street,)	GRANTING
Florence, South Carolina 29506 (District 6))	REINSTATEMENT OF
for a Class C Certificate of Public)	CERTIFICATE
Convenience and Necessity)	
and)	
)	
Docket No. 2009-277-T – Petition of the)	
Office of Regulatory Staff for Commission to)	
Order a Rule to Show Cause as to Why the)	
Certificates of Public Convenience and)	
Necessity for Certain Motor Carriers Should)	
Not Be Revoked for Failure to File Annual)	
Reports)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the necessity to amend Commission Order No. 2010-242 issued in the present docket. Order No. 2010-242 was issued April 6, 2010, wherein the Commission reinstated J. C. Smith's authority to operate under a Class C Certificate of Public Convenience and Necessity. However, the Certificate number (Certificate No. 6126) cited for reinstatement in Order No. 2010-242 is in error and should be stated as Certificate No. 6216. Accordingly, we are issuing this Amended Order which corrects the error and in all other respects (with exception of the date of issuance and an amended order number) is unchanged from the original.

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of a request filed by J. C. Smith (“Applicant”) to reinstate Class C Certificate of Public Convenience and Necessity No. 6216. Certificate No. 6216 was issued pursuant to Commission Order No. 1994-886, dated September 6, 1994, which granted the Applicant the authority to render motor passenger service. This Certificate was later revoked after a hearing by Order No. 2009-715 (October 14, 2009) for failure to file an annual report as required by 26 S.C. Code Ann. Regs. 103-231. The record reflects that this annual report has now been filed.

Since the annual report is filed, we find and conclude that the Applicant is in compliance with Regulation 103-231, and the previously cancelled Certificate No. 6216 should be reinstated. However this reinstatement is conditioned on further compliance with all other applicable statutes and regulations, and that prior to such compliance, regulated motor carrier services shall not be provided by the Applicant.

IT IS THEREFORE ORDERED:

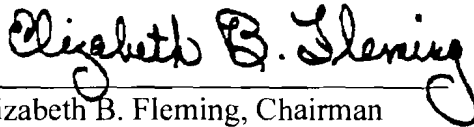
1. That Class C Certificate of Public Convenience and Necessity No. 6216 of J. C. Smith be, and hereby is, reinstated, subject to compliance with the applicable statutes and the Commission’s Rules and Regulations.

2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with the applicable statutes and the Commission’s Rules and Regulations.

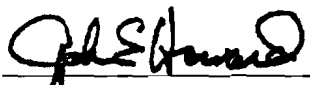
3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, the motor carrier services authorized by the Certificate shall not be provided.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)